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CHARLES ELMORE

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IN THE

Supreme Court of the United States

No. 454, October Term, 1931.

CLAIBORNE-ANNAPOLIS FERRY COMPANY,
Appellant,

vs.

INTERSTATE COMMERCE COMMISSION, ETC.,
Appellees.

JURISDICTIONAL STATEMENT.

PHILIP B. PERLMAN,
JESSE I. MILLER,
GEORGE E. EDELIN,
Attorneys for Appellant.

PRESS OF BYRON S. ADAMS, WASHINGTON, D. C.

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Now comes appellant, by counsel, and submits the following jurisdictional statement pursuant to Rule 12 of this Court.

This is an appeal from the Supreme Court of the District of Columbia in which appellant seeks a review of the decree of a special three-judge Court dismissing appellant's bill in a suit by it to set aside and annul a certificate of public convenience and necessity issued by the appellee, Interstate Commerce Commission, to the appellee, Chesapeake Beach Railway Company.

(a) Jurisdiction is conferred on this Court by the Act of October 22, 1913, Chapt. 32; 38 Stat. 220; U. S. C. A. Tit. 28, Chapt. 2, Sec. 47.

(b) The decree to be reviewed was entered by the Supreme Court of the District of Columbia on June 17, 1931 (Trans. p. 65). Petition for appeal was presented to the Supreme Court of the District of Columbia on June 17, 1931 (Trans. p. 66), and the appeal was granted on June 17, 1931 (Trans. p. 67). On June 17, 1931, the Supreme Court of the District of Columbia enlarged the time for docketing the appeal in this Court to August 17, 1931 (Trans. pp. 74-5). On July 30, 1931, Mr. Justice Butler, a Justice of this Court, further enlarged the time for docketing the appeal to October 17, 1931. The appeal was docketed on October 12, 1931.

(c) This proceeding was instituted in the Supreme Court of the District of Columbia by appellant against the Interstate Commerce Commission, the United States of America and the Chesapeake Beach Railway Company, a common carrier, having its principal place of business and residence in the District of Columbia, to set aside and annul a certificate of public convenience and necessity issued by the Interstate Commerce Commission to the Chesapeake Beach Railway Company, pretending to authorize the said Chesapeake Beach Railway Company to establish and operate a ferry between two points entirely within the State of Maryland. Act of October 22, 1913, Chapt. 32; 38 Stat. 219; U. S. C. A. Tit. 28, Chapt. 2, Secs. 43 and 41(28). It was alleged in said proceeding by appellant that the aforesaid certificate of public convenience and necessity was void and that unless the same was set aside and annulled, appel-

lant would suffer great and irreparable legal damage.

A hearing was had before a special three-judge Court convened pursuant to the provisions of the Act of October 22, 1913, Chapt. 32; 38 Stat. 220; U. S. C. A. Tit. 28, Chapt. 2, Sec. 47, and thereafter said three-judge Court delivered an opinion and entered a decree dismissing appellant's bill upon the grounds and for the reasons set out in said opinion (Trans. pp. 58-64).

(d) Jurisdiction in this Court on direct appeal is specifically authorized by the Act of October 22, 1913, Chapt. 32; 38 Stat. 220; U. S. C. A. Tit. 28, Chapt. 2, Sec. 47.

Wherefore, it is respectfully prayed that jurisdiction on appeal be noted.

PHILIP B. PERLMAN,
JESSE I. MILLER,
GEORGE E. EDELIN,
Attorneys for Appellant.